

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N05-2014-0066-CX

CASEFILE/PROJECT NUMBER: 0502948

PROJECT NAME: Strawberry Spring #3 Maintenance (Range Improvement Project #200190)
in the Goff Camp Gulch Allotment #06616

LEGAL DESCRIPTION: Township 3 North, Range 94 West, Section 19, SWNW
(40.21677 X -107.98802)

APPLICANT: White River Field Office

BACKGROUND INFORMATION: The completion date of this spring (seep) project was August 1940 by cleaning, adding an 18 foot rock drain, piping the water from the spring to a trough placed below on the bank of the gulch, and fencing of the spring. The justification was to maintain a supply of stock water on a dry area of the federal range. In 1982 it was determined that reconstruction was needed with a range improvement signed by the permittee in 1984. Since that time several additional pipes were placed directly into the spring (seep) source to catch the water and pipe it to the trough below. At this time none of those systems are functioning to catch the water that continues to seep from the side of the hill (however none of the water makes it to the main drainage approximately 30 feet below the trough).

DESCRIPTION OF PROPOSED ACTION: To install a French drain type collection system that consists of a hand dug trench, a collection pipe covered with a sediment sock buried in about a 6 inch bed of gravel to collect the water from the spring/seep with a headwall made of metal to aid in the collection of the water. The length of the trench that will be developed as a French drain system is approximately 10 to 18 feet with a diameter of approximately 8 inches. Some of the gravel from the original trench was noted in the area, there is potential that the reconstructed trench will be placed nearly in the exact location as the original. The collection from the French drain system will gather water into a pipe that would come to a center trap where all of the collected water will be piped in a pipeline from the collection location and travel down the hill to the water trough located approximately 50 feet below the catchment area. The pipeline will need to be either buried or secured to the hillside to keep the cattle and big game (i.e., mule deer and elk) from trampling and potentially dislodging the pipeline. Additional cattle panel fencing will need to be placed around the collection for an approximately square area of 24 feet by 24 feet with T-posts placed to secure the corner locations and possible along the center of each panel to secure and protect the area and to maintain the function of the water collection system by

detering use and trampling at the spring's location by livestock and the big game. Access to this area is limited by private lands in all directions; therefore the public would need permission to cross private lands to get to this location. An utility terrain vehicle (UTV) is the preferred method of transporting the materials necessary for this spring reconstruction but a 4 wheel drive pickup could also be used. Work is scheduled to begin after July 15th.

Design Features

1. BLM/WRFO will informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The BLM/WRFO will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The BLM/WRFO will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the BLM/WRFO must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the BLM/WRFO must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The BLM/WRFO is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the BLM/WRFO or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology

Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 46.210(f)) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-25

Decision Language: "Range improvements are necessary to control livestock use and improve rangeland condition. Anticipated improvement needs will include approximately 200 miles of fencing and about 700 water developments, including reservoirs, wells, springs with associated troughs, tanks and pipelines."

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 43 CFR 46.210(f): "*Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).*"

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X

Extraordinary Circumstance	YES	NO
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on April 22, 2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	5/20/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	5/6/2014
Heather Woodruff	Ecologist	Special Status Plant Species	4/22/2014

REMARKS:

Cultural Resources: The "spring" is not marked as such on the USGS 7.5 minute maps and in that regard does not represent a spring as defined by the regulations for grazing permit inventory purposes. Even though the seep was developed in 1940, work was so limited that there is a limited amount of material that could be recorded. Work to rebuild the water source in 1984 likely removed much of the original 1940 material. In addition the site appears to meet the slope gradient waiver of the Colorado State Protocol (1997). There should be no notable impacts to cultural resources for the project.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological Resource concerns: The spring is located in an area generally mapped as the Iles Formation (Tweto 1979) which the BLM has categorized as a Potential Fossil Yield Classification (PFYC) 5 formation. A PFYC 5 classification indicates that the formation is known to produce scientifically noteworthy fossil resources (c Armstrong and Wolny 1989). Unless repair Work requires excavation into the underlying sedimentary rock it is unlikely that scientifically noteworthy fossil will be encountered

Special Status Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project. There are no wildlife-related issues or concerns associated with the Proposed Action.

Special Status Plant Species: There are no special status plant species issues or concerns associated with the Proposed Action.

MITIGATION: None.

COMPLIANCE PLAN: On-going monitoring will be conducted by the BLM, White River Field Office staff during and after construction.

NAME OF PREPARER: Melissa J. Kindall

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210(f). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

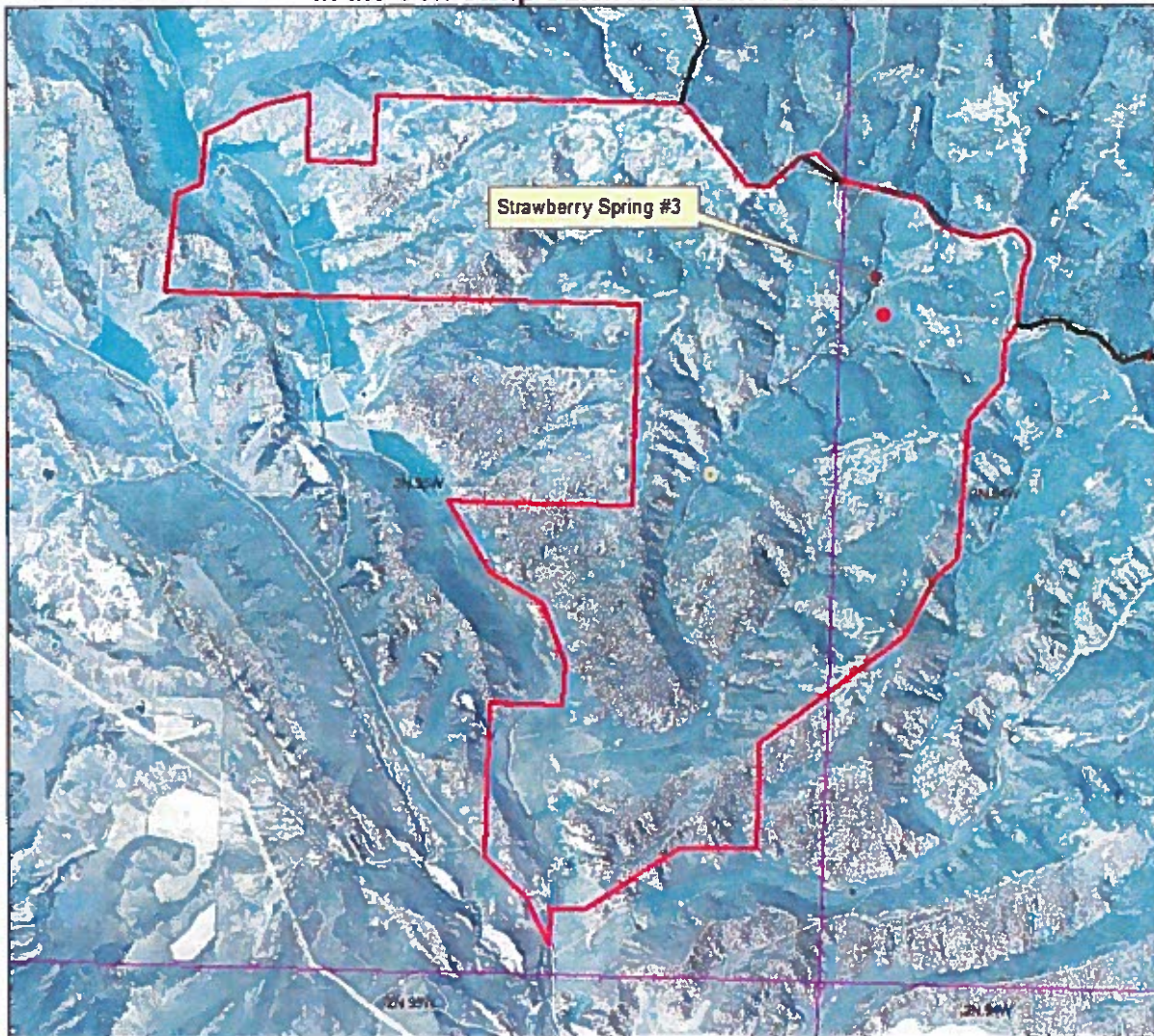
DATE SIGNED:

06/17/14

ATTACHMENTS:

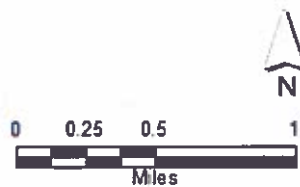
Location Map

DOI-BLM-CO-N05-2014-0066-CX
 Strawberry Spring #3 Maintenance (Range Improvement Project #200190)
 in the Goff Camp Gulch Allotment #06616



T3 S, R94 W 6th PM
 Section 19 SWNW

04/21/2014



Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.



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DECISION RECORD

PROJECT NAME: Strawberry Spring #3 Maintenance (Range Improvement Project #200190) in the Goff Camp Gulch Allotment #06616

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-N05-2014-0066-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0066-CX, authorizing the installation of a French drain type collection system that consists of a hand dug trench and a collection pipe covered with a sediment sock buried in about a 6 inch bed of gravel to collect the water from the spring/seep with a headwall made of metal to aid in the collection of the water. The length of the trench that will be developed as a French drain system is approximately 10 to 18 feet with a diameter of approximately 8 inches. Some of the gravel from the original trench was noted in the area, there is potential that the reconstructed trench will be placed nearly in the exact location as the original. The collection from the French drain system will gather water into a pipe that would come to a center trap where all of the collected water will be piped in a pipeline from the collection location and travel down the hill to the water trough located approximately 50 feet below the catchment area. The pipeline will need to be either buried or secured to the hillside to keep the cattle and big game (i.e., mule deer and elk) from trampling and potentially dislodging the pipeline. Additional cattle panel fencing will need to be placed around the catchment for an approximately square area of 24 feet X 24 feet with T-posts placed to secure the corner locations and along the center of each panel to secure and protect the area, to maintain the function of the water collection system, and to deter use and trampling at the spring's location by livestock and big game. Access to this area is limited by private lands in all directions; therefore the public would need permission to cross private lands to get to this location. An utility terrain vehicle (UTV) is the preferred method of transporting the materials necessary for this spring reconstruction but a 4 wheel drive pickup could also be used.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210(f). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances

potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kent Walter, Field Manager White River Field Office, 220 E. Market Street, Meeker, CO 81641 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (in writing) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Parfet Street, Room 151, Lakewood, CO 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision who receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

